

**Congress of the United States**  
Washington, DC 20510

July 10, 2006

The Honorable Johnnie Burton, Director  
Minerals Management Service  
Department of the Interior  
1849 C Street NW  
Washington, DC 20240

RE: Comments on the Notice of Intent to Prepare an EIS  
for Proposed Cape Wind Project – Request for  
Extension of 45-Day Public Comment Period

Dear Director Burton:

We are writing to comment on the Minerals Management Service's (MMS) Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the proposed Cape Wind project that was published in the Federal Register on May 30. Specifically, we are writing to seek a 45-day extension of the ongoing public comment period and a public hearing on the scope of the proposed DEIS as requested by the Town of Barnstable, the Town of Yarmouth, and the Nantucket Island Chamber of Commerce.

The controversial Cape Wind project has provoked intense opposition from local governments, fishermen, marine trades and conservation groups throughout the Cape and Islands region of Massachusetts. The most common objection is due to the fact that the project is proposed in the middle of the Cape and Islands Ocean Sanctuary, an area the Commonwealth of Massachusetts has designated as one that should be protected from industrial development. In addition, Nantucket Sound is a nationally significant site that has been nominated for designation as a National Marine Sanctuary. Recent studies indicate the area is still deserving of national protection. Accordingly, we urge MMS to respect those provisions of the Energy Policy Act that call for protecting areas of national significance and those worthy of long-term conservation.

We also urge MMS to apply all federal safety and leasing standards to the Cape Wind review. Individual project exemptions, such as those crafted for Cape Wind without objective criteria, undermine public confidence in the site designation and leasing process. Exempting individual energy projects from MMS standards and competitive bidding requirements will only invite other developers to seek their own artfully crafted special interest exemptions without full public review as they work to develop energy projects along our coastline.

As you may know, federal, state and local regulatory agencies were highly critical of the earlier Army Corps of Engineers Draft EIS. The Environmental Protection Agency (EPA) gave the Corps Cape Wind DEIS its lowest rating. EPA also criticized the document for ignoring a range of issues and concerns about the project that had been expressed throughout the regulatory review process. We applaud MMS for suggesting this new DEIS review several alternative locations and approaches for the project. This recommendation suggests that the views and concerns of other cooperating government agencies will finally be addressed.

We support MMS's recommendation to study phasing, modifying or completely reconfiguring the Cape Wind project. This also appears to be consistent with the recommendations of a number of local, state and federal agencies that were critical of the Corps DEIS. One common suggestion during the Corps review called for a demonstration project or the establishment of a "test site." This is an approach being taken by the State of New Jersey with the respect to offshore renewable energy proposals. Regrettably, these recommendations were dismissed by the Corps, even though they make a great deal of sense given the lack of available data and the complexity of regulatory issues involved with the siting of a project like Cape Wind.

We also applaud the MMS for suggesting a number of alternative locations for the Cape Wind project. MMS has identified a number of areas for further study: one area south of Tuckernuck Island; another on Nantucket Shoals; and a deepwater site east of Nauset Beach. Each of these alternatives should be analyzed in great detail because each is capable of generating significant wind power without conflicting with Massachusetts' efforts to ensure the long-term preservation of Nantucket Sound. In addition, unlike the proposed Horseshoe Shoal site, these sites are located outside fishing areas and away from ferry routes. They are also adjacent to areas that have already demonstrated a potential for tidal and wave energy development.

The Cape Wind application before MMS presents a range of issues including the inadequacy of the Corps' review, the importance of analyzing multiple alternative locations, possible modifications to project scope and size and the advisability of establishing test sites to evaluate multiple forms of offshore renewable energy development.

The complexity of these issues compels a detailed, thorough, and complete evaluation and assessment by MMS that will require a great deal of public consultation. Accordingly, we agree with the Nantucket Island Chamber of Commerce, the Town of Barnstable and the Town of Yarmouth, that it's appropriate to extend the public comment period to a full 90 days and to provide the residents of the affected communities with a public forum where they may address MMS officials about the proposed DEIS for the Cape Wind proposal.

The potential construction of a project of this size – the first of its kind in our nation – has enormous long-term implications for the communities of the Cape and Islands, and we'd greatly appreciate your consideration of this request to provide for additional public involvement. We look forward to hearing from your office in the near future.

Sincerely,



Cc: The Honorable Dirk Kempthorne, Secretary of Interior  
Dr. Walter D. Cruickshank, Deputy Director of MMS  
Dr. Rodney E. Cluck, Project Coordinator